

**UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT**

NOTICE OF RULE CHANGES

The United States Court of Appeals for the Second Circuit hereby gives notice of interim changes and proposed permanent changes in its Local Rules, and invites comment thereon. The new rules will go into effect as Interim Rules on March 25, 2002 . Comments should be submitted in writing no later than April 12, 2002. Comments may be mailed to, or filed with:

Roseann B. MacKechnie
Clerk of the Court
United States Court of Appeals for the Second Circuit
40 Foley Square, Room 1802
New York, NY 10007

The new interim and proposed permanent rule changes are as follows:

Local Rule 27 (a) is deleted and replaced with the following. [Local Rule 27 (b), (c), (d), (e) and (f) remain unchanged and are omitted].

- (a) Form of Motion and Supporting Papers for Motion and Opposition Statement.
 - 1. Form of Motion. A motion must be in writing, unless the court otherwise directs, and must conform to paragraphs (A) through (C) below.
 - (A) The front page of the motion must follow the form of the Motion Information Statement approved by the Court (T-1080 revised as of 12/12/01 and appended to this Rule) and contain all information required by the form.
 - (B) The body of the motion, following the Motion Information Statement, must set forth the information and legal argument necessary to support the motion, and, if emergency relief is sought, an explanation of the emergency.

- (C) Formal requirements.
 - (i) 8 ½ by 11 inch paper;
 - (ii) Text double spaced, except for quotations, headings and footnotes;
 - (iii) Margins of one inch on all sides;
 - (iv) Pages sequentially numbered (page numbers may be placed in the margins);
 - (v) Bound or stapled in a secure manner that does not obscure text;
 - (vi) Length: no more than 20 pages, not including attachments and the Motion Information Statement;
 - (vii) Number of copies: original plus four copies;
 - (viii) Required attachments to motion:
 - a. An affidavit (containing only statements of fact, not legal argument);
 - b. If the motion seeks substantive relief, a copy of lower court opinion or agency decision;
 - c. Any exhibits necessary to determine the motion;
 - d. Affidavit of service.

- 2. Non-Compliance Sanctions. If the moving party has not complied with this rule, the motion may be dismissed by the clerk without prejudice to renew upon proper papers. If application is promptly made, the action of the clerk may be reviewed by a single judge. The court may impose costs and an appropriate fine against either party for failure to comply with this rule.

Form T-1080, the Notice of Motion Form, has been revised as of December 12, 2001, as the Motion Information Statement. The new Motion of Information Statement

Form follows:

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
MOTION INFORMATION STATEMENT**

Caption [use short title]

Docket Number(s): _____

Motion for: _____

Set forth below precise, complete statement of relief sought:

MOVING PARTY: _____

☐ Plaintiff ☐ Defendant

☐ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: _____

[name of attorney, with firm, address, phone number, and email]

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OPPOSING PARTY: _____

OPPOSING ATTORNEY: _____

[name of attorney, with firm, address, phone number, and email]

()

Court-Judge/Agency appealed from: _____

Please check appropriate boxes:

Has **consent** of opposing counsel:

A. been sought?

☐ Yes ☐ No

B. been obtained?

☐ Yes ☐ No

Is **oral argument** requested?

☐ Yes ☐ No

(requests for oral argument will not necessarily be granted)

Has **argument** date of appeal been **set**:

☐ Yes ☐ No

If yes, enter date: _____

Signature of Moving Attorney:

Date: _____

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS
AND INJUNCTIONS PENDING APPEAL:**

Has request for relief been made **below**? ☐ Yes ☐ No

Has this relief been previously sought in
this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency:

Has **service** been effected?

☐ Yes ☐ No

[Attach affidavit of service]

ORDER

Leave this space blank.

IT IS HEREBY ORDERED that the motion is **granted** **denied**.

FOR THE COURT:

ROSEANN B. MacKECHNIE, Clerk

Date: _____

By: _____

Local Rule 28(3) is added as follows. [Local Rule 28 (1) and (2) are unchanged and omitted here].

- (3) Each party must include, in an addendum at the end of the brief or in a Special Appendix volume as described in Local Rule 32(d), the verbatim text, with appropriate citation, of the relevant portion of any constitutional provision, treaty, statute, ordinance, Sentencing Guideline, rule, or regulation, if its interpretation or application is significant in the resolution of any issue on appeal

Local Rule 32(d) (Special Appendix volume) is added as follows. [Local Rule 32 (a), (b) and (c) are unchanged and omitted here].

- (d) If the Joint Appendix will exceed 300 pages, the parties must submit the orders and opinions being appealed in a Special Appendix. The obligation under Local Rule 28(3) to set forth the relevant portions of material rules of law may be satisfied by their inclusion in the Special Appendix volume.

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Roseann B. MacKechnie
Clerk of the Court

January 9, 2002